

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No.105/Lab./AIL/J/2013, dated 17th July 2013)

NOTIFICATION

Whereas, an award in I.D. No.39/2011, dated 18-4-2013 of the Labour Court, Puducherry in respect of the industrial dispute between the Managing Director, M/s. Hidesign India Private Limited, Puducherry and its workman Thiru Rock Marine over non-employment has been received ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No.20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said award shall be published in the official gazette, Puducherry.

(By order)

S. THAMMU GANAPATHY,
Under Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru T. MOHANDASS, M.A., M.L.,
Presiding Officer, Labour Court.

Thursday, the 18th day of April 2013

I.D. No. 39/2011

B. Rock Marine . . . Petitioner

Versus

The Managing Director,
Hidesign India Private Limited,
Puducherry . . . Respondent

This industrial dispute coming on 10-4-2013 for final hearing before me in the presence of Tvl. M. Veerappan and S. Lenin Durai, Advocates for the petitioner, Thiru S. Karthikeyan, Advocate for the respondent, upon hearing both sides, upon perusing the case records, after having stood over for consideration till this day, this court passed the following :

AWARD

This industrial dispute arises out of the reference made by the Government of Puducherry, *vide* G.R. Rt. No.187/AIL/Lab./J/2011, dated 21-11-2011 of

the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.*,

(1) Whether the dispute raised by Thiru B. Rock Marine, against the management of M/s. Hidesign India Private Limited, Puducherry over non-employment is justified ?

(2) If justified, to what relief, the workman is entitled to ?

(3) To compute the relief in terms of money, if it can be so computed.

2. The petitioner, in his claim statement, has averred as follows :

The petitioner joined the service of the respondent company as Storekeeper on 1-12-2006 and then he was promoted as store in-charge during the year 2008 and he continued his position in the respondent company till 2010. In order to protect his service condition, he tried to form an employees' trade union in the name and style 'Hidesign Employees' Trade Union' and the same was registered before the competent authority. This act of starting a trade union got provoked the management and thereafter the management adopted all kinds of unfair labour practice against the petitioner.

The petitioner was issued with a charge sheet on 20-5-2010 and the respondent company ordered for domestic enquiry on 24-5-2010 and on 31-5-2010 the domestic Enquiry Officer sent a notice to him for his appearance before the Enquiry Officer on 9-6-2010. Meanwhile on 14-6-2010 the respondent without waiting for the enquiry proceedings, the petitioner was suspended from service without following fair and reasonable opportunity to the petitioner and based on the enquiry report, he was dismissed from service on 30-9-2010.

Merely because a employee's trade union was started in the said company and he was holding Vice-President post in the trade union caused irritation to the management and at the result fabricated charges were issued and without applying any reasonable, legal, fair approach, the respondent with ill-conceived motivation and by way of illegal act, he was dismissed from service on 30-9-2010 which is not only act of unfair labour practice, but also amounted to victimisation and unjust action. Hence, this industrial dispute is filed.

3. In the counter statement, the respondent has stated as follows :

The respondent has followed all the procedures as contemplated under law before discharging the petitioner from service for his proved misconduct. The respondent has issued a charge sheet, dated 20-5-2010 to the petitioner based on a report that on 19-5-2010 at about 8.40 a.m. during his working hours the petitioner had left his work spot without permission and at about 8.45 a.m. he went to the bag cutting section and in a loud voice and angrily he had asked the supervisor by name C.R. Saravanan to transfer his wife Selvi to some other section. The petitioner has received the charge sheet and having understood the charges levelled against him, has submitted his written explanation, dated 22-5-2010 and as the management was not satisfied with the explanation, an enquiry was conducted into the charges levelled against him. In order to maintain proper discipline in the factory and to conduct a fair domestic enquiry, the petitioner was placed under suspension pending enquiry. The Enquiry Officer Thiru G. Krishnan, Advocate has conducted the enquiry by affording fair and reasonable opportunities to the petitioner to defend and the petitioner has participated in the enquiry and cross-examined the management witness and submitted his statement and examined his witness and also submitted his written argument. The Enquiry Officer has submitted his report, finding the petitioner guilty of the charges levelled against him. Then the management has sent a show cause notice, dated 9-9-2010 to the petitioner regarding proposed punishment on the proved misconduct. On receipt of the same, the petitioner has sought for extension of time to submit his reply and in spite of extension of time, the petitioner has failed to submit his explanation. Then the management has decided to impose the punishment of discharge from services and accordingly, the petitioner was discharged from the services of the company with effect from 30-9-2010. Discharging the services of the petitioner is proper, justified, valid and sustainable in law and hence the prayer of reinstatement of the petitioner with all benefits does not deserve any consideration. Hence, they pray for dismissal of the industrial dispute.

4. On the side of the petitioner, PW.1 was examined and Ex.P1 to Ex.P13 were marked. On the side of the respondent, RW.1 was examined and Ex.R1 to Ex.R16 were marked.

5. *The point for determination is :*

Whether the industrial dispute can be allowed?

6. *On the point :*

The contention of the petitioner is that he was the one of the main office-bearers of the employees union and the management started to harass and exercised unfair labour practice against him by adopting victimisation activities on flimsy grounds and he was discharged from his service on 30-9-2010, violating the basic principles of natural justice and contrary to the standing orders of the company and violation of labour laws and against the principles of natural justice. In order to prove his case, the petitioner examined himself as PW.1.

7. *Per contra*, the contention of respondent is that the petitioner has been terminated from service on the proved charges and by his own misconduct, the petitioner committed an act unbecoming of an employee of the company resulting in loss of confidence in him and the order of discharging the services of the petitioner is proper, justified and valid. In order to prove his claim, the Senior Executive Human Resources of the respondent company was examined as RW.1.

8. There is no dispute that the petitioner was an employee under the respondent company. Ex.P1 is the copy of the identity card issued to the petitioner, Ex.P2 is the copy of the salary slip, Ex.P3 is the copy of the E.S.I. card. Those documents also prove that the petitioner was an employee under the respondent company. The learned counsel for the petitioner relied upon the following decisions to prove his claim:-

2012(2)C.L.T. 722:-

“Disciplinary Proceedings - Natural Justice - Framing of charges by Special Officer of Bank (R1) against writ petition - Suspension order passed - Final order of punishment passed after conducting disciplinary proceedings - Very same authority issuing suspension order and conducted disciplinary proceedings, rendered - Procedure, held unknown to law - Entire proceedings vitiated - Act of petitioner filing series of cases against petitioner, held would not amount to misconduct - Failure to furnish copy of document relied on by Disciplinary Authority held, resulted in denial of opportunity to put forward petitioner's case - Petitioner entitled to all retiral and monetary benefits.”

2010-IV-L.L.J.-541 (Bom.)

“Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 - Schedule-IV - Item 1 - Complaint under - of Workman of wrongful dismissal from service - Finding of Labour Court that charge was not

proved, held, could not be interfered with by Industrial Court in revision by reappreciating evidence - Award of back wages also was on facts, held justified."

9. According to RW.1, the respondent has issued a charge sheet, dated 20-5-2010 to the petitioner based on a report that on 19-5-2010 at about 8.40 a.m. during his working hours the petitioner had left his work spot without permission and at about 8.45 a.m., he went to the bag cutting section and in a loud voice and angrily he had asked the supervisor by name C.R. Saravanan to transfer his wife Selvi to some other section. The copy of the charge sheet was marked as Ex.R3 on the side of the respondent. A perusal of Ex.R3 reveals that the management has suddenly issued a charge sheet to the petitioner without issuing any show cause notice to him and even the allegations in the charge sheet was vague and was not specific about the event of occurrence, nature of violation and there is no list of witnesses and documents involved in such event, were all absent in the said charge sheet. The said fact was admitted by RW.1 in his cross-examination. The relevant portion of his evidence is as follows:-

ம.சா.ஆ.9-ல் சாட்சிகள் பெயர்கள் மற்றும் புகார் கொடுத்த புகாரினையும் இணைத்து குறிப்பிடவில்லை என்றால் சரிதான்.

10. In order to prove the said misconduct, it is the duty of the respondent to establish the same through the domestic enquiry. In this regard, the learned counsel for the petitioner has submitted that the petitioner was not given sufficient opportunity to defend his case and the Enquiry Officer has not conducted the enquiry proceedings in a fair and proper manner.

11. On the side of the respondent, the copy of the enquiry proceedings was marked as Ex.R7. A perusal of Ex.R7 reveals that on the side of the respondent, one Saravanan was examined and on the side of the petitioner, two witnesses were examined. Though the said Saravanan has stated that that the petitioner, has asked about the transfer of his wife to some other section, during the cross-examination, he has stated that the petitioner never shouted against him. The said fact was also admitted by RW.1 in his cross-examination. The relevant portion of his evidence runs as follows:-

"உள்விசாரணையின் போது புகார் கொடுத்த சரவணன் என்பவர் மனதுதாரர் தன்னிடம் ஒழுங்கீனமாக நடக்கவில்லை என்றும், சத்தமாக பேசவில்லை என்றும் சொல்லியுள்ளார் என்றால் சரிதான்."

From above, it can be seen that the management witness himself has admitted that there is no such incident occurred, as stated by the respondent in the

charge sheet. Hence, the respondent has failed to establish the first and third misconducts as stated in the charge sheet under Ex.P2. As far as the second item of misconduct is concerned that the petitioner was wandering away from the assigned place of duty during working hours, though the said Saravanan has stated about the same, the Section Manager has not filed any complaint to the Manager. Even the respondent proves that the petitioner has left assigned place of duty during working hours, the said misconduct is not grave in nature. Further there is no adverse remarks on the part of the petitioner prior to the alleged misconduct. In fact the respondent has appreciated the work of the petitioner and revised the salary to ₹ 3,551 and then to ₹ 3,951 per month, as could be seen from Ex.P4 and Ex.P5 respectively. In the above circumstances, the order of dismissal under Ex.R15 is liable to be set aside.

12. The learned counsel for the respondent has submitted that eventhough the punishment of discharging the petitioner from service was legal, the management considered the request of the Conciliation Officer purely on humanitarian basis and offered the petitioner reinstatement without back wages but with continuity of service and magnanimously offered even revision of his wages from ₹ 3,950 to ₹ 5,500 but the petitioner adamantly refused to accept the offer and by his refusal to accept the offer of reinstatement without back wages during the conciliation proceedings, the petitioner has lost his right to seek for the relief of reinstatement with back wages. In order to prove his claim, he relied upon the following decision:-

(2004) III L.L.J. 511 Mad:-

"The above stated facts will clearly disclose that in spite of the repeated offers before the Conciliation Officer and before the Labour Court and this court, directing the petitioner to come and join duty, the employee had deliberately refrained from joining duty and has not accepted the offer of the management.

The attitude of the employee cannot at all be appreciated. He cannot claim any right over particular post. As long as the pay, allowances and other conditions of service are not affected, it is always open to the management to assign any work or to transfer the employee from one post to the other. Such an offer has been made by the management from the beginning. Apparently, the employee seeks to obtain unfair gain of back wages without even working. The provisions of Industrial Disputes Act are not intended for such exploitation in an unfair manner.

13. On the side of the respondent, the copy of the failure report was marked as Ex.R16. A perusal of Ex.R16 reveals that during the course of conciliation proceedings, the conciliation authority advised the management to consider the plea of the petitioner for reinstatement with back wages and after several rounds of discussions, the management agreed to reinstate the petitioner on humanitarian grounds based on the advice of the conciliation authority in their sister concern with continuity of service and revision in wages from ₹ 3,950 to ₹ 5,500 a perusal of Ex.R16 further reveals that the petitioner has stated that not even a single memo. had been issued to him during his entire service and strongly insisted for reinstatement in the last working place with back wages.

14. From the above, it can be seen that during the pendency of the conciliation proceedings, the management had offered that the petitioner will be reinstated in some other job with their sister concern with continuity of service, but the petitioner insisted for reinstatement in the last working place with back wages. The petitioner cannot claim any right over particular post. In fact the management was ready to give the revised pay from ₹ 3,950 to ₹ 5,500 to the petitioner, as could be seen from Ex.R16. The attitude of the petitioner cannot be appreciated. Considering the arguments advanced by the learned counsel for the respondent and as guided by the Hon'ble High Court, Madras in (2004) III L.L.J. 511 Madras, this court has come to the conclusion that the petitioner is entitled for reinstatement with continuity of service and back wages from the date of dismissal to the date of failure report *i.e.*, 2-9-2011, however, the petitioner is not entitled for back wages from 3-9-2011 till the date of joining. Accordingly, this point is answered.

15. In the result, the industrial dispute is partly allowed and the respondent is hereby directed to reinstate the petitioner within one month with continuity of service, other benefits and back wages from the date of dismissal to the date of failure report *i.e.*, 2-9-2011, however, the petitioner is not entitled for back wages from 3-9-2011 till the date of joining. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this 18th day of April 2013.

T. MOHANDASS,
Presiding Officer,
Labour Court, Puducherry.

List of witnesses examined for the petitioner :

PW.1 — 23-11-2012 — Rock Marine

List of witness examined for the respondent :

RW.1 — 15-3-2012 — R. Ayyappan

List of exhibits marked for the petitioner :

Ex.P1 — Copy of the identity card of the petitioner.

Ex.P2 — Copy of the E.P.F. slip of the petitioner

Ex.P3 — Copy of the E.S.I. slip of the petitioner

Ex.P4 — Copy of the salary revision issued by the management.

Ex.P5 — Copy of the increment letter issued by the management, dated 1-4-2008.

Ex.P6 — Copy of the letter for store in-charge, dated 29-7-2008.

Ex.P7 — Copy of the certificate of trade union

Ex.P8 — Copy of the trade union letter pad

Ex.P9 — Copy of the charge sheet issued by the management, dated 20-5-2010.

Ex.P10 — Copy of the suspension order, dated 14-6-2010.

Ex.P11 — Copy of the enquiry report, dated 3-9-2010

Ex.P12 — Copy of the order of discharge of the petitioner, dated 30-9-2010.

Ex.P13 — Copy of the failure report, dated 2-9-2011

List of exhibits marked for the respondent:

Ex.R1 — Copy of the resolution, dated 12-1-2013

Ex.R2 — Copy of the complaint against the petitioner, dated 19-5-2010.

Ex.R3 — Copy of the charge sheet, dated 20-5-2010

Ex.R4 — Copy of the explanation given to the charge sheets, dated 22-5-2010.

Ex.R5 — Copy of the notice of enquiry, dated 24-5-2010.

Ex.R6 — Copy of the order of suspension, dated 14-6-2010.

Ex.R7 — Copy of the enquiry proceedings, dated 9-6-2010.

Ex.R8 — Copy of the deposition recorded in the enquiry proceeding.

Ex.R9 — Copy of the written argument by petitioner in the enquiry proceedings, dated 28-7-2010.

Ex.R10 — Copy of the written argument by the management in the enquiry proceedings, dated 28-7-2010.

Ex.R11 — Copy of the enquiry report, dated 3-9-2010

Ex.R12 — Copy of the show cause notice, dated 9-9-2010.

Ex.R13 — Copy of the letter for extension of time, dated 18-9-2010.

Ex.R14 — Copy of the letter by the respondent, dated 20-9-2010.

Ex.R15 — Copy of the order of discharge, dated 30-9-2010.

Ex.R16 — Copy of the failure report, dated 2-9-2011

T. MOHANDASS,
Presiding Officer,
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 106/Lab./AIL/J/2013, dated 17th July 2013)

NOTIFICATION

Whereas, an award in I.D.No. 30/2011, dated 26-4-2013 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. ARK Golden India Private Limited, Puducherry and the petitioners *viz.*, Tv1. (1) H. Ramthilagar, (2) R. Peethambaram, (3) G. Jayachandran and (4) K. Senthil, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L., dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

S. THAMMU GANAPATHY,
Under Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru T. MOHANDASS, M.A., M.L.,
Presiding Officer, Labour Court.

Friday, the 26th day of April 2013

I.D. No. 30/2011

(1) H. Ramthilagar,
(2) R. Peethambaram,
(3) G. Jayachandran,
(4) K. Senthil .. Petitioners

Versus

The Managing Director,
ARK Golden India Private Limited,
R.S. No. 19/3A, Mailam Main Road,
Sedarapet, Puducherry .. Respondent

This industrial dispute coming on this day for hearing before me in the presence of Thiru N. Baptiste Augustin, Advocate for the petitioners and the respondent called absent and set *ex parte*, upon perusing the case records, this court passed the following :

AWARD

This industrial dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 180/AIL/Lab./J/2011, dated 24-10-2011 of the Labour Department, Puducherry to resolve the following dispute between the petitioners and the respondent, *viz.*,

(1) Whether the dispute raised by the petitioners (1) H. Ramthilagar, (2) R. Peethambaram, (3) G. Jayachandiran and (4) K. Senthil against the management of M/s. ARK Golden India Private Limited, Puducherry, over non-employment is justified?

(2) If justified, to what relief, the workmen are entitled to?

(3) To compute the relief in terms of money, if it can be so computed.

2. When the above industrial dispute came up for enquiry, the respondent called absent and set *ex parte*. The petitioner appeared before this court today and he was examined as PW.1 and marked Ex.P1 to Ex.P42. Claim proved. The petitioners are entitled for the claim as stated in the claim petition. Hence, the respondent is directed to reinstate the petitioners with full back wages, continuity of service and other attendant benefits with costs.

Written and pronounced by me in the open court on this 26th day of April 2013.

T. MOHANDASS,
Presiding Officer, Labour Court,
Puducherry.

List of witness of PW.1 : Ramthilagar.

List of documents marked on the side of the petitioners:

Ex.P1 — 8-6-2009 Photocopy of the letter sent by the first petitioner to the respondent company.

Ex.P2 — 8-6-2009 Photocopy of the letter of confirmation given to the third petitioner.

Ex.P3 — 17-5-2010 Photocopy of the letter sent by the petitioners to the respondent along with postal receipt.

Ex.P4	—	19-5-2010	Acknowledgment card signed by the respondent.	Ex.P23	—	11-12-2010	Copy of the letter sent by the first petitioner to the respondent.
Ex.P5	—	20-5-2010	Letter sent by the respondent to the petitioners.	Ex.P24	—	11-12-2010	Copy of the letter sent by the fourth petitioner to the respondent.
Ex.P6	—	26-5-2010	Letter sent by the petitioners to the Labour Officer (Conciliation), Puducherry.	Ex.P25	—	13-12-2010	Notice of termination sent by the respondent to the first petitioner.
Ex.P7	—	29-6-2010	Enquiry held by the Labour Officer (Conciliation).	Ex.P26	—	13-12-2010	Notice of termination sent by the respondent to the second petitioner.
Ex.P8	—	8-9-2010	Photocopy of the letter sent by the petitioners to the respondent along with postal receipt.	Ex.P27	—	13-12-2010	Notice of termination sent by the respondent to the third petitioner.
Ex.P9	—	9-9-2010	Letter sent by the respondent to the petitioners.	Ex.P28	—	13-12-2010	Notice of termination sent by the respondent to the fourth petitioner.
Ex.P10	—	19-9-2010	Copy of the letter by way of reply sent by the first petitioner.	Ex.P29	—	16-12-2010	Copy of the letter sent by the first petitioner to the respondent with postal receipt.
Ex.P11	—	28-9-2010	Letter sent by the respondent to the petitioners.	Ex.P30	—	16-12-2010	Copy of the letter sent by the second petitioner to the respondent with postal receipt.
Ex.P12	—	30-9-2010	Notice sent by the respondent to the petitioners.	Ex.P31	—	16-12-2010	Copy of the letter sent by the third petitioner to the respondent with postal receipt.
Ex.P13	—	9-10-2010	Letter sent by the first petitioner to the respondent.	Ex.P32	—	16-12-2010	Copy of the letter sent by the fourth petitioner to the respondent with postal receipt.
Ex.P14	—	9-10-2010	Letter sent by the first petitioner to the respondent.	Ex.P33	—	20-12-2010	Copy of the letter sent by the petitioners to the Labour Department, Puducherry.
Ex.P15	—	20-10-2010	Letter sent by the respondent to the petitioner.	Ex.P34	—	20-12-2010	Copy of the letter sent by the petitioners to the Labour Officer (Conciliation), Puducherry.
Ex.P16	—	1-11-2010	Copy of the letter sent by the first petitioner to the respondent.	Ex.P35	—	6-1-2011	Letter by the respondent to the first petitioner about the wages for December 2010 and final settlement.
Ex.P17	—	3-11-2010	Letter sent by the petitioners to the Labour Officer (Conciliation), Puducherry.	Ex.P36	—	6-1-2011	Letter by the respondent to the second petitioner about the wages for December 2010 and final settlement.
Ex.P18	—	12-11-2010	Copy of the letter sent by the first petitioner to the respondent.				
Ex.P19	—	24-11-2010	Copy of the letter sent by the respondent to the fourth petitioner.				
Ex.P20	—	30-11-2010	Show cause notice sent by the respondent to the third petitioner.				
Ex.P21	—	1-12-2010	Copy of the letter sent by the first petitioner to the respondent.				
Ex.P22	—	1-12-2010	Copy of the letter sent by the fourth petitioner to the respondent.				

- Ex.P37 — 6-1-2011 Letter by the respondent to the third petitioner about the wages for December 2010 and final settlement.
- Ex.P38 — 6-1-2011 Letter by the respondent to the fourth petitioner about the wages for December 2010 and final settlement.
- Ex.P39 — 14-1-2011 Copy of the letter sent by the petitioners to the Labour Department, Puducherry.
- Ex.P40 — 14-1-2011 Copy of the letter sent by the petitioners to the Labour Officer (Conciliation), Puducherry.
- Ex.P41 — 15-7-2011 Report on failure of conciliation given by the Labour Officer (Conciliation), Puducherry.
- Ex.P42 — 22-7-2011 Report on failure of conciliation given by the Labour Officer (Conciliation), Puducherry.

T. MOHANDASS,
Presiding Officer, Labour Court,
Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 107/Lab./AIL/J/2013, dated 17th July 2013)

NOTIFICATION

Whereas, an award in I.D.No. 28/2011, dated 12-4-2013 of the Labour Court, Puducherry in respect of the industrial dispute between the Pondicherry Tourism Developments Corporation Water Sports Labour Union, Puducherry against the Managing Director, Pondicherry Tourism Development Corporation Limited, Puducherry over retrospective revision of ceiling for collection incentive eligibility in water sports wing of the Corporation has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab/L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said award shall be published in the official gazette, Puducherry.

(By order)

S. THAMMU GANAPATHY,
Under Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present: Thiru T. MOHANDASS. M.A, M.L.,
Presiding Officer, Labour Court.

Friday, the 12th day of April, 2013.

I.D. No. 28/2011

Pondicherry Tourism Development
Corporation Water Sports Labour Union,
Puducherry. . . Petitioner

Versus

The Pondicherry Tourism Development
Corporation Limited. . . Respondent

This industrial dispute coming on 10-4-2013 for final hearing before me in the presence of Thiru C.H. Balamohan, authorised representative for the petitioner, Thiruvalluvar A. Kanniappan and K. Balaji, Advocates for the respondent, upon hearing both sides, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following :

AWARD

This industrial dispute arises out of the reference made by the Government of Puducherry, *vide* G.O. Rt. No. 177/AIL/Lab./J/2011, dated 24-10-2011 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.*,

(1) Whether the dispute raised by Pondicherry Tourism Development Corporation Water Sports Labour Union, Puducherry against the management of M/s. Pondicherry Tourism Development Corporation, Puducherry over retrospective revision of ceiling for collection incentive eligibility in water sports wing of the Corporation is justified?

(2) If justified, to what relief the petitioners are entitled to?

(3) To compute the relief in terms of money, if it can be so computed.

2. The petitioner, in his claim statement, has averred as follows :

The management of PTDC Limited had *vide* office order No. 66/PTDC/WS/2007/017, dated 13-1-2010 retrospectively revised the formula for grant of collection incentive to the workers employed in Water Sports Unit at Chunnambar from 1-1-2009 as 5% of the total collection from the boat operations when the collection amount exceeded ₹ 70,000 a day, raising the earlier limit of total collection from ₹ 50,000 adversely affecting the workmen and without giving notice to the workmen or their union under section 9-A of the Industrial Disputes Act, 1947.

The total collections on the day when exceeded ₹ 50,000 was to the tune of ₹ 25,93,770 during the year 2009 and 5% of the above total collection to be distributed as incentive to the workmen was to the tune of ₹ 1,29,689. The respondent management has illegally resorted the formula with retrospective effect from 1-1-2009 already affecting the workmen and refused to entertain the legal claim of the workmen till date. Therefore, the union has staked the additional relief of 12% as interest on the dues restricted reasonably to the years 2010 and 2011. Hence, this industrial dispute is filed for retrospective revision of ceiling for collection incentive is fully justified and the claim computed above to the tune of ₹ 1,60,814 may be declared as total relief payable to the workmen on duty on the dates in the year 2009, when the collections exceeded ₹ 50,000 a day.

3. In the counter statement, the respondent has stated as follows:-

It is true that the respondent *vide* office order, dated 13-1-2010 revised the formula for grant of collection incentive to the workers retrospectively from 1-1-2009 as 5% of the total collection if the total amount exceeded ₹ 70,000 raising the limit from ₹ 50,000, 5% amount on boating collection is an "incentive" and it does not fall under the definition of "wages" and hence no previous notice is necessary under section 9-A of the Act.

The Finance Department of the Central Government has directed that all institutions should ensure 10% deduction in administrative expenditure while implementing the 6th Pay Commission. As per the order of Under Secretary to Government (Finance), Government of Puducherry, dated 24-10-2008, the respondent has to implement the 6th Pay Commission recommendations and as such the respondent need not pay incentives, *ex gratia*, etc., to the employers. In fact the respondent ought to have cancelled the incentive, but instead the Corporation has raised the eligibility ceiling from ₹ 50,000 to ₹ 70,000 with retrospective effect from 1-1-2009 in order to reduce administration expenditure. Therefore, it is a policy decision of the Government and cannot be rolled back. Hence, they pray for dismissal of the industrial dispute.

4. On the side of the petitioner, PW.1 was examined and Ex.P1 to Ex.P4 were marked. On the side of the respondent, RW.1 was examined and Ex.R1 to Ex.R5 were marked.

5. *The point for determination is:*

Whether the claim of the petitioner can be allowed?

6. *On the point:*

The contention of the petitioner is that the management of PTDC Limited had *vide* office order No.66/PTDC/WS/2007/017, dated 13-1-2010 retrospectively revised the formula for grant of collection incentive to the workers employed in

Water Sports Unit at Chunnambar from 1-1-2009 as 5% of the total collection from the boat operations when the collection amount exceeded ₹ 70,000 a day, raising the earlier limit of total collection from ₹ 50,000 adversely affecting the workmen and without giving notice to the workmen or their union under section 9-A of the Industrial Disputes Act, 1947 and the respondent management has illegally resorted the formula with retrospective effect from 1-1-2009 already affecting the workmen and refused to entertain the legal claim of the workmen till date.

7. In order to prove his claim, the Secretary of Pondicherry Tourism Development Corporation was examined as PW.1. PW.1 has marked the copy of the circular issued by the Managing Director of Pondicherry Tourism Development Corporation Limited, dated 17-12-2007 as Ex.P1, as per which, the incentive at 5% will be paid when the collection amount exceeds ₹ 50,000/- in a day. Ex.P2 is the copy of the office order informing the revised ceiling limit from ₹ 50,000 to ₹ 70,000 Ex.P3 is the resolution passed by the petitioner union. Ex.P4 is the copy of the letter sent by the petitioner union to the respondent management.

8. On the side of the respondent, the Manager (Administration) of the respondent was examined as RW.1. RW.1 in his evidence has deposed that the Finance Department of the Central Government has directed that all institutions should ensure 10% deduction in administrative expenditure while implementing the 6th Pay Commission and as per the order of Under Secretary to Government (Finance), Government of Puducherry, dated 24-10-2008, the respondent has to implement the 6th Pay Commission recommendations and as such the respondent need not pay incentives, *ex gratia*, etc., to the employers and in fact the respondent ought to have cancelled the incentive, but instead the Corporation has raised the eligibility ceiling from ₹ 50,000 to ₹ 70,000 with retrospective effect from 1-1-2009 in order to reduce administration expenditure.

9. In order to prove his claim, RW.1 has marked the authorisation letter as Ex.R1 Ex.R2 is the copy of the order issued by the Finance Department, Government of Puducherry, as per which, all the institutions have been advised to cut 10% in administrative expenditure while implementing the 6th Pay Commission. Ex.R3 is the copy of the I.D. Note issued by the Under Secretary (Finance) to the respondent management. A perusal of Ex.R3 reveals that the Under Secretary (Finance) had pointed out the granting additional perks and benefits over and above the Government norms by deviating the guidelines issued under Ex.R3 by the respondent management and hence she requested the respondent management to review the additional perks and benefits granted to their employees. Ex.R4 is the copy of the Profit and Loss Account for the year 2009. Ex.R5 is the copy of the 6th Annual Report.

10. The order under Ex.R2 would clearly show that all the institutions have been advised that they should ensure that economy measures and rationalisation of expenditure to cut 10% in administrative expenditure. Ex.R2 would further show

that the employees of all non-profit, making or financially non-viable institutions will be entitled to minimum bonus only as per Bonus Act and in no case *ex gratia* or additional bonus than the minimum statutory bonus should be paid to the employees. The respondent management has no other way than to implement the order of Under Secretary (Finance) under Ex.R2 and hence they raised the eligibility ceiling from ₹ 50,000 to ₹ 70,000 with retrospective effect from 1-1-2009 in order to reduce the administration expenditure. Hence, it is a policy decision of the Government and no one can interfere with such policy condition.

11. The learned counsel for the petitioner has submitted that the raising of ceiling from ₹ 50,000 to ₹ 70,000 without notice to the employees under section 9-A of the Industrial Dispute Act is illegal and hence the same is liable to be set aside.

12. The learned counsel for the respondent has submitted that 5% amount on boating collection is an "incentive" and it does not fall under the definition of "wages" and hence no previous notice is necessary under section 9-A of the Act. In order to support his claim, the learned counsel for the respondent relied upon the following decision:

1994 LAB. I.C.632 (Kerala High Court)

"Where the monthly *ex gratia* payment was not part of the original contract of employment but was offered by the employer long after employee's promotion on terms that it was in appreciation of his good services and the payment was to be shown separately in the books and records of employer and was liable to be increased, decreased or tally withdrawn at the discretion of the employer, the *ex gratia* payment was to be excluded for the purposes of computing the wages".

9. Section 2(rr) of the Industrial Disputes Act defines the term wages as follows:-

"Wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment, or of work done in such employment and includes-

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to:

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food grains or other articles;

(iii) any travelling concession;

(iv) any commission payable on the promotion of sales or business or both; but does not include-

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service.

The term incentive does not find place in the definition of wages. The term wages clearly excludes any bonus, paid by the employer. The collection incentive granted by the employer shall be deemed to be aimed at motivating the workmen during peak tourist season when the boatmen will be required to operate more trips to cater to the tourist rush. An incentive is nothing but a bonus and hence, not part of the contract of employment as well as remuneration. Since the definition of wages does not include "Bonus", the employer is justified in revising the target for grant of incentive.

10. It is true that section 9-A of Industrial Disputes Act, 1947 contemplates that the notice should be given if there is a vested right which is withdrawn without notice. But in the instant case, the incentive was granted unilaterally by the respondent only to motivate the boatmen and the same cannot be claimed as a vested right by the petitioner. Therefore, the contention of the petitioner that granting of incentive by the respondent management is not a condition of service which should not be withdrawn does not sound merit. In the absence of any Memorandum of Settlement or any clause in the appointment order to this effect, the petitioner cannot claim the incentive as a matter of right and hence invoking section 9-A of the Industrial Disputes Act does not arise to the facts of the present industrial dispute.

11. The labour legislations were enacted to bring peace among the workers to bring more productivity in our country in the smooth circumstances. The industrial legislations were enacted to achieve the ambitions enshrined under Article 14 and 21 of Constitutional Law of India. The proposition laid down by the Hon'ble Supreme Court in the following cases are very relevant at this stage:

2005(3) L.L.N. 719 (Madras)

National Small Industries Corporation Ltd., Chennai Vs. Presiding Officer, I Additional Labour Court, Madras and another:

"The whole approach of industrial law is that the employer and employee do not stand on an equal bargaining position. Industrial law recognizes that the workers are in a weaker position than the employers who have financial resources, management skills, connections etc. Hence the whole object of industrial law is to help the weaker section in the society (the workmen) and given them protection from exploitation. There can be no estoppel against a person, who accepts his designation as an apprentice, but later on raises a plea that in fact he was not an apprentice but was doing the work of a workman."

1982 I LLJ 33 S.C.

Workmen of M/s. Williamson Magor and Co. Ltd. Vs. William Magor and Company Limited :

“This court in the case of K.C.P. Employees Association, Madras Vs. Management of KCP Limited, Madras and other reported in (1977 I.L.J. 322) observed:

“In Industrial Law, interpreted and applied in the perspective of Part IV of the Constitution, the benefit of reasonable doubt, on law and facts, if there be such doubt must go to the weaker section, labour. The Tribunal will dispose of the case making this compassionate approach but without over stepping the proved facts”.

12. The above proposition of law laid down by the Superior Courts were to be borne in mind to decide this case. The employees of the respondent, who are from weaker section of the society, should not be exploited by the management, those who are in higher position. The petitioner has filed the above industrial dispute in the year 2011 and the employees, who are the members of the petitioner's union had been walking to this court for the past two years, expecting favourable order from this court. The learned authorised representative has submitted that the employees of the respondent Corporation are working in all the days without taking any leave and their family is depending upon the said incentive apart from their salary. In the above circumstances, I feel that the claim of the petitioner can be considered on humanitarian grounds by allowing the industrial dispute to the extent of granting 5% incentive on total collection from the boat operations, when the collection amount exceeded ₹ 50,000 in a day instead of ₹ 70,000 in a day as mentioned in Ex.P2 without interest for the year 2009. However, the petitioner cannot claim the same as a matter of right in future. Accordingly this point is answered.

13. In the result, the industrial dispute is partly allowed and the petitioner union is entitled for ₹ 1,29,690 towards incentive for the year 2009. However, considering the facts and circumstances of the case, the petitioner is not entitled to get the interest on the said amount. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 12th day of April, 2013.

T. MOHANDASS
Presiding Officer,
Labour Court, Puducherry.

List of witness examined for the petitioner

PW.1 - 15-9-2012 - Gajapathy

List of witness examined for the respondent:

RW.1 - 26-12-2012 - Santhakumar

List of exhibits marked for the petitioner:

Ex.P1 — Copy of the circular issued by the Managing Director of Pondicherry Tourism Development Corporation Limited, dated 17-12-2007.

Ex.P2 — Copy of the office order informing the revised ceiling limit from ₹ 50,000 to ₹ 70,000, dated 13-1-2010.

Ex.P3 — Resolution passed by the petitioner union

Ex.P4 — Copy of the letter sent by the petitioner union to the respondent management, dated 15-10-2008.

List of exhibits marked for the respondent

Ex.R1 — Authorisation letter, dated 6-11-2012

Ex.R2 — Copy of the order issued by the Finance Department, Government of Puducherry, dated 24-10-2008.

Ex.R3 — Copy of the I.D. Note issued by the Under Secretary (Finance) to the respondent management.

Ex.R4 — Copy of the Profit and Loss Account for the year 2009.

Ex.R5 — Copy of the 6th Annual Report, dated 19-10-2012.

T. MOHANDASS,
Presiding Officer,
Labour Court, Puducherry.

GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT

(G.O. Rt. No. 109/Lab./AIL/J/2013, dated 18th July 2013)

NOTIFICATION

Whereas, an award in I.D. No. 1/2012, dated 28-3-2013 of the Labour Court, Puducherry in respect of the industrial dispute between the Managing Director, Sri Bharathi Mills, Puducherry and Panjalai Thozhirsanga Congress over correction of date of birth of the workmen viz., Thiruvalargal (1) Udayakumar @ Devanarayanan, (2) J. Ramakrishnan @ Purshothaman, (3) S. Padmanarayanan and (4) K. Shankar has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said award shall be published in the official gazette, Puducherry.

(By order)

S. THAMMU GANAPATHY,
Under Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru T. MOHANDASS, M.A., M.L.,
Presiding Officer, Labour Court.

Thursday, the 28th day of March 2013

I.D. No. 1/2012

The President, . . . Petitioner
Panjalai Thozhirsanga Congress,
N-Block-10, Viduthalai Nagar,
Mudaliarpet, Puducherry.

Versus

The Managing Director,
Sri Bharathi Mills, Puducherry. . . Respondent

This industrial dispute coming on 21-3-2013 for final hearing before me in the presence of Thiru V. Govindaradjou, Advocate for the petitioner, Thiru K. Ravikumar, Advocate for the respondent, upon hearing both sides, upon perusing the case records, after having stood over for consideration till this day, this court passed the following:

AWARD

This industrial dispute arises out of the reference made by the Government of Puducherry, *vide* G.O. Rt. No. 220/AIL/Lab./J/2011, dated 19-12-2011 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, *viz.*,

(1) Whether the dispute raised by Panjalai Thozhirsanga Congress (Registration No.783/RTU/1992) against the management of M/s. Sri Bharathi Mills, Puducherry over correction of date of birth of the workmen *viz.*, Thiruvalargal (1) Udayakumar @ Devanarayanan, (2) J. Ramakrishnan @ Purshothaman, (3) S. Padmanarayanan and (4) K. Shankar is justified?

(2) If justified, to what relief, the workmen are entitled to?

2.The petitioner, in his claim statement, has averred as follows:

The petition mentioned workmen have been working in the respondent's mill for a period of more than 25 years. At the time of entering into the service, their date of birth was not verified and their date of birth been wrongly mentioned in the mill records. The details of actual date of birth of the workmen and their wrong entry in the mill records are as follows:—

Name of the workmen	Actual date of birth	Wrong entry in the mill records
(1)	(2)	(3)
1.Udayakumar @ Devanarayanan	2-11-1958	2-11-1957
2. Ramakrishnan @ Purshothaman	9-3-1962	1-7-1960
3. Padmanarayanan	12-4-1957	12-3-1954
4. Shankar	4-6-1956	11-12-1954

The respondent has computerised all the records in the respondent's mill in the year 1986 and only thereafter they came to know that their date of birth has been wrongly mentioned in the mill records. Therefore they have immediately approached the respondent in person and through representations requesting to correct their date of birth in the mill records. But the respondent failed to correct their date of birth in the mill records. Therefore, the petition mentioned workmen are constrained to raise the industrial dispute.

3. In the counter statement, the respondent has stated as follows:

As per the practice and standing orders of the respondent mills, at the time of employment all the workers are required to submit proof of birth to prove age. The petitioners will also have to submit service and identification agreement and gratuity nomination. Each of the petitioners have signed and submitted the service and identification agreement and gratuity nominations, in which the date of birth have been given by themselves. Only based on the information given by the petitioners themselves, the date of births have been entered in the respondent mill records. The petitioners have not claimed that they themselves have given the date of birth wrongly. Hence, the petitioners are estopped from claiming such a relief.

The very basic details, such as name, department, category, token number, father's name, date of birth and date of entry of each and everyone of the workmen of the respondent mills, as per the records of the respondent mills are reproduced in each pay slip of such workmen. Each and everyone of the petitioners, who have raised the dispute have put in service of more than twenty years and have received and checked and have been satisfied with the entries in their respective pay slips for all these years. The petitioners are estopped from now raising any dispute over the entries made in the pay slip

and reproduced in the list with permanent numbers. Hence, the respondent prays for dismissal of the industrial dispute.

4. On the side of the petitioner, PW.1 to PW.4 were examined and Ex.P1 to Ex.P20 were marked. Neither oral nor documentary evidence was adduced on the side of the respondent.

5. The point for determination is:

Whether the claim of the petition mentioned workmen can be allowed?

6. On the point:

The contention of the petition mentioned workmen is that they have been working in the respondent's mill for a period of more than 25 years and at the time of entering into the service, their date of birth was not verified and their date of birth been wrongly mentioned in the mill records and the respondent has computerised all the records in the respondent's mill in the year 1986 and only thereafter they came to know that their date of birth has been wrongly mentioned in the mill records and therefore, they have immediately approached the respondent in person and through representations requesting to correct their date of birth in the mill records, but the respondent failed to correct their date of birth in the mill records. In order to prove their claim, the said Udayakumar, Ramakrishnan, Padmanarayanan and Shankar were examined as PWs.1 to 4 and they have marked their relevant birth certificate as Ex.P1, Ex.P12, Ex.P15 and Ex.P18 respectively. As per the said documents, the date of birth of the said workmen are 2-11-1958, 9-3-1962, 12-4-1957 and 4-6-1956 respectively. The documents under Ex.P1, Ex.P12, Ex.P15 and Ex.P18 have not been challenged by the respondent. Hence, this court has come to the conclusion that the date of birth of PWs.1 to 4 are 2-11-1958, 9-3-1962, 12-4-1957 and 4-6-1956 respectively.

7. On the other hand, the contention of the respondent is that as per the practice and standing orders of the respondent mills, at the time of employment all the workers are required to submit proof of birth to prove age and the petitioners will also have to submit service and identification agreement and gratuity nomination and each of the petitioners have signed and submitted the service and identification agreement and gratuity nominations, in which the date of birth have been given by themselves and only based on the information given by the petitioners themselves, the date of births have been entered in the respondent mill records and the petitioners have not claimed that they themselves have given the date of birth wrongly. The respondent

has further contended that the very basic details, such as name, department, category, token number, father's name, date of birth and date of entry of each and everyone of the workmen of the respondent mills, as per the records of the respondent mills are reproduced in each pay slip of such workmen and each and everyone of the petitioners, who have raised the dispute have put in service of more than twenty years and have received and checked and have been satisfied with the entries in their respective pay slips for all these years and the petitioners are estopped from now raising any dispute over the entries made in the pay slip and reproduced in the list with permanent numbers.

8. In order to prove his claim, neither oral or documentary evidence was adduced on the side of the respondent. A perusal of records reveals that the petitioner's side evidence was closed on 13-2-2013 and the matter was posted for examination of respondent's side witnesses to 14-3-2013. But in spite of sufficient opportunities given, no witnesses were examined on the side of the respondent.

9. According to PWs.1 to 4, the respondent has computerised all the records in the respondent mill in the year 1985 and only thereafter they came to know that their date of birth was wrongly mentioned in the mill records and therefore, they have immediately approached the respondent in person and through representation to correct the date of their birth in the mill records, but the respondent has failed to correct the date of birth in the mill records. PW.1 has marked the representation, dated 30-3-2010 given to the respondent for correcting his date of birth as Ex.P4. Likewise PW.2 has marked his representation, date 9-11-2009 as Ex.P7, PW.3 marked his representation as Ex.P10 and PW.4 marked his representation as Ex.P13. When PWs.1 to 4 have given representations to the respondent to correct their date of birth by enclosing their relevant birth certificates, it is the duty of the respondent to correct the same in the mill records. Even after producing the relevant birth certificate, which is an authenticated document, the respondent has not come forward to correct the date of birth of the petitioners in the mill records. It is significant to mention that as per section 35 of Indian Evidence Act, an entry in any public or other official book or register maintained by a public servant is a relevant fact. Moreover, the birth certificates of PWs.1 to 4 are the certificates issued by the competent authority is a primary evidence and it is a vital evidence to prove their case. Further the respondent has never insisted upon the workman even at the time of computerisation of mill records to produce the certificate of age proof.

10. PWs.1 to 4 have contended that the respondent has corrected the birth date of the employee *viz.*, one Kuppan @ Kuppusamy and thereby extended his service for a period of ten years and so also, the date of birth of the workmen by name D. Arumugam and Sabapathy @ Sundaramurthy were corrected in the mill records. However, the respondent has not come forward to correct the date of birth of the petition mentioned workmen in spite of producing their respective birth certificates.

11. The labour legislations were enacted to bring peace among the workers to bring more productivity in our country in the smooth circumstances. If the version of the respondent that only based on the information given by the petitioners themselves, the date of births have been entered in the mill records is taken as true, when the petitioners have produced their birth certificates and requested the respondent to correct the date of birth in the mill records, it is the duty of the respondent to correct the same in their records. The industrial legislations were enacted to achieve the ambitions enshrined under Article 14 and 21 of Constitutional Law of India. The proposition laid down by the Hon'ble Supreme Court in the following cases are very relevant at this stage:

2005(3) LL.N. 719 (Madras)

National Small Industries Corporation Limited, Chennai Versus Presiding Officer, 1 Additional Labour Court, Madras and Another:

"The whole approach of industrial law is that the employer and employee do not stand on an equal bargaining position. Industrial law recognises that the workers are in a weaker position than the employers who have financial resources, management skills, connections etc., Hence the whole object of industrial law is to help the weaker section in the society (the workmen) and given them protection from exploitation. There can be no estoppel against a person, who accepts his designation as an apprentice, but later on raises a plea that in fact he was not an apprentice but was doing the work of a workman."

1982 IL.LJ. 33 S.C.;

Workmen of M/s. Williamson Magor and Co Limited Versus William Magor and Company Limited:

"This court in the case of K.C.P. Employees Association, Madras Versus Management of KCP Limited, Madras and other reported in (19771 L.L.J. 322) observed:

"In Industrial Law, interpreted and applied in the perspective of Part-IV of the Constitution, the benefit of reasonable doubt, on law and facts, if there be such doubt must go to the weaker section, labour. The tribunal will dispose of the case making this compassionate approach but without over stepping the proved facts."

12. The above proposition of law laid down by the Superior Courts were to be borne in mind to decide this case. The workers, who are from weaker section of the society, should not be exploited by the management, those who are in higher position. Hence, the relief sought by the petition mentioned workmen is reasonable and genuine and the change of date of birth of the said four workmen in the mill records according to their birth certificates under Ex.P1, Ex.P12, Ex.P15 and Ex.P18 is justifiable. Accordingly, this point is answered.

13. In the result, the industrial dispute is allowed and the respondent is hereby directed to correct the date of birth of the petition mentioned workmen in the mill records, according to their birth certificates. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this 28th day of March, 2013.

T. MOHANDASS,
Presiding Officer, Labour Court,
Puducherry.

List of witnesses examined for the petitioner :

PW.1 — 11-1-2013 — Udayakumar @
Devanarayanan.
PW.2 — 11-1-2013 — Ramakrishnan @
Purshothaman.
PW.3 — 11-1-2013 — Padmanarayanan
PW.4 — 11-1-2013 — Shankar

List of witnesses examined for the respondent : Nil.

List of exhibits marked for the petitioner :

Ex.P1 — Birth certificate of Udayakumar,
dated 6-11-1958.
Ex.P2 — Copy of the identity certificate issued
by PDM, dated 10-8-1992.
Ex.P3 — Salary slip of PW.1
Ex.P4 — Representation given by PW.1,
dated 30-3-2010.

- Ex.P5 — Birth certificate of Pourouchottamane, dated 14-3-1962.
- Ex.P6 — Salary slip of Purushothamane for the month of October 2009
- Ex.P7 — Representation given by Purushothamane, dated 9-11-2009.
- Ex.P8 — Birth certificate of Bademanarayanane, dated 20-4-1957.
- Ex.P9 — Salary slip of Bathmanarayanan for the month of February 2010.
- Ex.P10 — Representation given by Bathmanarayanan, dated 30-12-2009.
- Ex.P11 — Birth Certificate of Sankar, dated 13-6-1956.
- Ex.P12 — Salary slip of Sankar, for the month of July 2008.
- Ex.P13 — Representation given by Sankar, dated 30-3-2010.
- Ex.P14 — Joint representation given by the workmen to the union.

- Ex.P15 — Representation given by Panjalai Thozhirsanga Congress to the Labour Officer, dated 4-7-2011.
- Ex.P16 — Representation given by the Panjalai Thozhirsanga Congress, dated 26-8-2011.
- Ex.P17 — Representation given by the Psnjaiai Thozhirsanga Congress, dated 18-12-2009.
- Ex.P18 — Representation given by Panjalai Thozhirsanga Congress, dated 26-12-2009.
- Ex.P19 — Representation given by Panjalai Thozhirsanga Congress, dated 29-12-2009.
- Ex.P20 — Representation given by Panjalai Thozhirsanga Congress, dated 29-3-2009.

List of exhibits marked for the respondent : Nil.

T. MOHANDASS,
Presiding Officer, Labour Court,
Puducherry.

GOVERNMENT OF PUDUCHERRY
DIRECTORATE OF SCHOOL EDUCATION

No. 360-369/DSE/EC/C/2013.

Puducherry, the 15th July 2013.

NOTIFICATION

It is hereby informed that the following candidates have lost their original Higher Secondary Examination Mark certificates beyond the scope of recovery and necessary steps have been taken to issue duplicate certificates. If any one finds the original Mark Certificates, they may be sent to the Secretary, State Board of Secondary Examinations, College Road, Chennai – 600 006, for cancellation as they are no longer valid.

Sl. No.	Name of the applicant	Register No. Session and year	Sl. No. of the Mark Certificate	School in which studied last
(1)	(2)	(3)	(4)	(5)
Thiru/Tmt./Selvi :				
1	Aravinthan, R.	548889 March 2010.	HSG 5147712	Achariya Siksha Mandir, Villianur, Puducherry.
2	Ezhilarasi, S.	764436 March 2001.	1210682	Maraimalai Adigal Government Higher Secondary School, Embalam, Puducherry.
3	Jaclin Maria, S.	528202 March 2009.	HSG 4494912	Government Higher Secondary School, Indira Nagar, Puducherry.